

# SPIVAK LIPTON LLP

ATTORNEYS AT LAW

1040 Avenue of the Americas  
20<sup>th</sup> Floor  
New York, NY 10018  
T 212.765.2100  
F 212.765.8954  
spivaklipton.com

June 30, 2022

**BY ECF & BY EMAIL ChambersNYSDMarrero@nysd.uscourts.gov.**

Hon. Victor Marrero  
United States District Judge  
Suite 1610  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: United States v. District Council, et al., 90-Civ-5722 (VM)

Dear Judge Marrero:

The undersigned represent the District Council of New York City & Vicinity of the United Brotherhood of Carpenters and Joiners of America (the “District Council”). We write on behalf of the Government and Independent Monitor Glen McGorty to present for Your Honor’s review the fully executed successor Stipulation and Order Regarding the Extension of the Independent Monitor’s Term and Modification to Procedures (the “Successor”), with a term through January 31, 2024.

The Successor modifies the current Stipulation and Order (ECF Dkt. No. 1855) in recognition of the Union’s progress towards eradicating corruption and racketeering and implementing effective compliance structures and procedures as part of the transition to self-governance. The Successor’s modifications include the following.

1. The Successor incorporates in all material respects the Supplemental Stipulation and Order with Respect to the Independent Monitor’s Authority Over Union Membership and the District Council’s Oversight of Affiliated Local Unions (ECF Dkt. No. 1857), including the tenure of Sharon L. McCarthy, Esq. of the firm of Kostelanetz & Fink as the independent Hearing Officer under procedures to protect members from racketeering activities.

2. Many of the functions under prior Stipulations and Orders of the former Review Officer and the current Independent Monitor and their respective investigators have been and will continue to be moved to an enhanced Office of the Inspector General to be done in-house at a substantial monthly and annual savings.

3. The Independent Monitor will continue to have authority under paragraph 5 of the Successor with respect (1) to “vetoing” personnel or actions in violation of the Consent Decree; (2) to approving amendments to the District Council’s Bylaws and Out or Work List rules; (3) to functioning as the Election Officer for District Council elections; and (4) to approving the terminating or hiring a replacement for the Inspector General, Director of Operations, Chief Accountant, Human Resources Director, or the Chief Compliance Officer. The Government will also continue to have authority over items (2) and (4).

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4. The Benefit Funds will no longer be included as parties under the Successor. In the past, the Independent Monitor had a limited role with respect to the Benefit Funds and would only become involved in investigating their affairs if requested. No such requests have been made for a number of years. And the Funds have in place their own anti-corruption structures and programs.

The undersigned are available at Your Honor's convenience to address any questions concerning the Successor and anything else regarding the District Council.

Respectfully submitted,

/s/ James M. Murphy  
James M. Murphy

/s/ Barbara S. Jones  
Barbara S. Jones  
Bracewell LLP  
31 West 52<sup>nd</sup> Street, Suite 1900  
New York, NY 10019  
212-508-6105  
Barbara.jones@bracewell.com

Enclosure

cc: BY ECF & BY EMAIL

Benjamin H. Torrance, Esq.  
Assistant United States Attorney  
Civil Division  
Office of the United States Attorney  
Southern District of New York  
86 Chambers Street  
New York, NY 10007  
212-637-2703  
benjamin.torrance@usdoj.gov

Glen G. McGorty, Esq.  
Independent Monitor  
Crowell & Moring LLP  
590 Madison Avenue, 20th Floor  
New York, NY 10022  
212-223-4000  
gmcgorty@crowell.com